

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

RIOT BLOCKCHAIN, INC. F/K/A, BIOPTIX,
INC., JOHN O'ROURKE, and JEFFREY
MCGONEGAL,

Defendants.

Civil Action No.: 18-2293(FLW)(TJB)

[PROPOSED] ORDER

MOTION RETURN DATE: NOVEMBER 4,
2019

THIS MATTER having been presented to the Court by Defendant Barry C. Honig ("Mr. Honig"), seeking an Order dismissing Count II of Lead Plaintiff's Corrected Consolidated Amended Class Action Complaint pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, *et seq.*, and for such other and further relief as the Court deems just and proper, and the Court having considered the papers submitted in support of the within Motion, any Opposition thereto, any papers filed in reply thereto, and oral arguments, if any, and the Court having further considered the pleadings in this matter and the record of the proceedings, and for other and good cause having been shown;

IT IS on this _____ day of _____, 2019;

ORDERED that Mr. Honig's Motion to Dismiss Count II of Lead Plaintiff's Corrected Consolidated Amended Class Action Complaint pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b),

and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, *et seq.* is hereby granted.

HONORABLE FREDA L. WOLFSON
UNITED STATES DISTRICT JUDGE